

Historic, archived document

Do not assume content reflects current scientific knowledge, policies, or practices.

OCTOBER 14, 1943

WAR FOOD ADMINISTRATION

[FDO 85]

PART 1405—FRUITS AND VEGETABLES

GRAPEFRUIT GROWN IN CAMERON, HIDALGO,
OR WILLACY COUNTIES, TEX.

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of grapefruit and grapefruit products for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest, and to promote the national defense:

§ 1405.34 Restrictions relative to handling and diversion of grapefruit—(a) Definitions. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "grapefruit" means any or all varieties of the citrus fruit, Citrus paradisi, grown in any of the counties of Cameron, Hidalgo, or Willacy, in the State of Texas.

(2) The term "white grapefruit" means (i) Marsh and other seedless varieties of grapefruit except pink seedless and ruby red seedless grapefruit, and (ii) Duncan and other seeded varieties of grapefruit except pink seeded and ruby red seeded grapefruit.

(3) The term "handler" means any person who handles grapefruit.

(4) The term "handle" means to prepare grapefruit for market and to place such grapefruit in the current of commerce from any point or points within any of the counties of Cameron, Hidalgo, and Willacy in the State of Texas to any point or points outside of said counties, for consumption in fresh form or for sale for consumption in fresh form; but such term "handle" does not, however, include the operations of producing grapefruit or harvesting only or transportation, or delivery for transportation, from groves where produced to the place where grapefruit is prepared for market.

(5) The term "products" means all manufactured products of grapefruit, including but not limited to canned or bottled grapefruit juice, regardless of the strength thereof, whether concentrated, natural, or blended with other juices: *Provided*, That grapefruit juice preserved solely by refrigeration at a temperature of not less than 32° Fahrenheit shall not be deemed to constitute products as defined herein.

(6) The term "processor" means any person in the business of manufacturing products from grapefruit.

(7) The term "Director" means the Director of Food Distribution, War Food Administration.

(8) The term "governmental agency" means (i) the Armed Services of the United States; (ii) the Food Distribution Administration, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any person who, pursuant to a food distribution regulation, is entitled to purchase grapefruit subject to this order.

(9) The term "Armed Services of the United States" means the Army, the Navy, the Marine Corps, or the Coast Guard of the United States.

(10) The term "advisory committee" or "committee" means the advisory committee appointed pursuant to (e) hereof.

(11) The term "grapefruit fit for human consumption or for processing into juice" means any lot of grapefruit which meets the requirements of U. S. No. 3 grade, or higher grades, as specified in the U. S. Standards for Citrus Fruits, effective July 12, 1943, issued by the United States Department of Agriculture.

(12) The term "season" means a twelve-month period beginning on August 1 of any year and ending on July 31 of the following calendar year, except that the first season shall begin on the effective date of this order.

(13) The term "marketing period" means any period of time for which the Director issues a regulation pursuant to (b) hereof.

(b) *Regulation of handling.* (1) From time to time, whenever the Director finds, from the recommendation of the advisory committee or from other available information, that to limit the quantity of white grapefruit which may be handled during any marketing period will tend to effectuate the purposes of this order, he shall specify such marketing period and shall fix such quantity of white grapefruit which may be handled during said marketing period, which quantity shall also be expressed as a

percentage of the total quantity of grapefruit handled by all handlers during the period from August 1, 1942, to July 31, 1943, inclusive. The quantity and the percentage so fixed may be increased by the Director at any time during such marketing period.

(2) Whenever the Director specifies a marketing period and fixes both the quantity of white grapefruit which may be handled during such marketing period and the percentage which such quantity bears to the total quantity of grapefruit handled by all handlers during the period from August 1, 1942, to July 31, 1943, inclusive, no handler may handle, during such marketing period specified by the Director, a quantity of white grapefruit in excess of the quantity arrived at by applying said percentage to the total quantity of grapefruit handled by such handler during the period from August 1, 1942, to July 31, 1943, inclusive.

(3) Any other provision of this order to the contrary notwithstanding, no regulation issued pursuant to (b) hereof shall be effective after January 1, 1944.

(c) *Regulation of diversion.* (1) Each handler who handles white grapefruit shall, during each calendar week specified by the Director, set aside for diversion a quantity of grapefruit equal to such percentage of white grapefruit handled by such handler during such calendar week, as the Director, upon the recommendation of the committee or on the basis of other available information, may, from time to time, order. The Director may, from time to time, issue orders stating the conditions and requirements which must be complied with by a handler, in setting aside grapefruit for diversion, in order to have such grapefruit constitute a credit on the respective handler's set-aside obligation pursuant hereto; and the Director may specify, in any such order, what shall constitute diversion of grapefruit pursuant hereto.

(2) Any handler, during any calendar week, may, if he is not to make up a deficiency, set aside, at his option, less than the quantity of grapefruit required pursuant to (c)(1) hereof upon condition that at least half of such quantity of grapefruit, so required to be set aside for diversion, is set aside and that the deficient quantity is set aside during the next calendar week in addition to the total quantity otherwise required to be

set aside during such next calendar week. Grapefruit set aside during any calendar week shall be applied first to make up any deficiency carried over from the immediately preceding calendar week.

(3) Any handler may, during any calendar week, set aside, at his option, more than the quantity of grapefruit required to be set aside pursuant to (c)(1) hereof. Such excess quantity of grapefruit so set aside for diversion shall be accumulated as credit to be applied against quantities of grapefruit which would otherwise be required to be set aside in future calendar weeks: *Provided*, That any deficient quantity permitted under (c)(2) hereof shall first be deducted from such credit. The credit remaining unused at the end of any season shall be cancelled at the end of such season.

(4) Grapefruit set aside pursuant to this order by any handler may, at any time, be diverted to any governmental agency or to any processor or may, at any time, be converted, by such handler, into products: *Provided*, That any such conversion into products shall be subject to all orders, heretofore or hereafter issued, restricting or regulating the manufacture or production of such products. The Director may, from time to time, specify what shall constitute the diversion of grapefruit to any governmental agency or to any processor pursuant hereto.

(5) If, upon the expiration of the period specified by the Director for holding such grapefruit, no governmental agency has contracted for or declared its intention to contract for any portion of the grapefruit set aside pursuant to (c) hereof, and if no processor has contracted for any portion thereof, such portion of the grapefruit set aside, as aforesaid, for which no governmental agency has declared its intention to contract or which has not been contracted for, as aforesaid, by a governmental agency or by a processor shall then be released from the restrictions of this order.

(6) Grapefruit set aside for diversion, pursuant to the requirements of this order, shall be grapefruit fit for human consumption or for processing into juice.

(d) *Restriction on processors.* No processor shall sell, consign, transport, ship, or, in any other way, place grapefruit which was at any time set aside for diversion, pursuant to the provisions of this order, in the current of commerce for consumption in fresh form or for sale for consumption in fresh form: *Provided*, That the aforesaid restriction shall not apply to grapefruit released pursuant to (c) (5) hereof.

(e) *Advisory committee.* The Director shall appoint an advisory committee consisting of seven members, and shall appoint an alternate for each member. Each such alternate shall act only in the event that the member for whom he is

alternate is absent or unable to act. Three members and three alternates shall be appointed from growers of grapefruit who are not handlers or employees of handlers: *Provided*, That one member and one alternate shall be appointed from such growers who are affiliated with cooperative marketing associations of growers of grapefruit; and two members and their alternates shall be appointed from such growers who sell their grapefruit to persons who are cash buyers of grapefruit. Two members and two alternates shall be appointed from handlers: *Provided*, That one member and one alternate shall be appointed from officials or employees of cooperative marketing associations of growers of grapefruit, and one member and one alternate shall be appointed from officials or employees of persons who are cash buyers of grapefruit. Two members and two alternates shall be appointed from officials or employees of processors. Each member and each alternate shall at any time be subject to removal by the Director. Any person designated as a member or alternate shall qualify by filing a written acceptance with the Director within five days after being notified of such selection. Insofar as they perform functions for the United States, the members and alternates of the advisory committee shall act under their respective appointments as collaborators without compensation from the United States. The advisory committee shall meet at the call of its chairman, at the call of a majority of the members thereof, or at the call of the Director. The advisory committee shall counsel with the Director and shall recommend to him such amendments to, or such changes in the administration of, this order, as it deems advisable. The advisory committee may further recommend to the Director the nature of the action to be taken with respect to petitions, filed in accordance with (k) hereof, for relief from hardship.

(f) *Contracts.* The provisions of this order and of any regulations or orders issued in pursuance hereof shall be observed without regard to contracts heretofore or hereafter entered into or any rights accrued or payments made thereunder.

(g) *Relevancy to Food Distribution Order No. 3, as amended, and Food Distribution Order No. 6.* The provisions of this order shall not be construed to abrogate, amend, modify, or suspend Food Distribution Order No. 3 (8 F.R. 255), as amended. The provisions of this order shall, however, supersede and prevail over the provisions of Food Distribution Order No. 6 (8 F.R. 511) and the Director's order pursuant thereto insofar as the provisions of Food Distribution Order No. 6 and said Director's orders pursuant thereto relate to grapefruit as defined herein.

(h) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of grapefruit or products of any person and to make such investigations, as may be necessary or appropriate, in the discretion of the Director, for the enforcement or administration of the provisions of this order.

(i) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the discretion of the Director, for the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall maintain, for at least two years or for such other period of time as the Director may designate, an accurate record of his transactions in grapefruit.

(3) The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(k) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(l) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using grapefruit or products, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(m) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to

the Regional Director, Food Distribution Administration, War Food Administration, Dallas, Texas, Ref. FD-85.

(n) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., October 15, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 14th day of October 1943.

MARVIN JONES,
War Food Administrator.

Press Release, Immediate:
Friday, October 15, 1943.

To meet requirements for canned grapefruit juice and other grapefruit products, the War Food Administration today limited early shipments for fresh consumption of white grapefruit produced in the lower Rio Grande Valley region of Texas, and said that a portion of the crop may be required to be set aside for processing. The restricted area embraces the counties of Cameron, Hidalgo and Willacy.

Texas shipments of white grapefruit for fresh use from October 15, to January 1, 1944, will be limited to approximately 2,000,000 boxes. Individual handlers will be permitted to make shipments from the restricted area during this period of a quantity not exceeding 20 percent of their total 1942-43 season's grapefruit shipments. The action was taken in Food Distribution Order 85 and Director Food Distribution Order 85.1 issued today.

The Food Distribution Administration said that these limitations on grapefruit shipments are necessary in order that adequate supplies will remain, after the opening of the processing season, to meet both the military and civilian require-

ments for the processed fruit. The limitations also will serve to extend marketing of the fresh fruit over a longer period.

Since processors do not begin operations during the first six or eight weeks of the season, Food Distribution Administration officials said the limitations placed on early shipments are necessary to prevent undue diversion of the fruit into the fresh market. The restrictions will also result in an increase in the total crop yield, because growth continues during the early part of the season. Grapefruit, like most citrus fruits, will remain on the trees for several months after reaching maturity and the harvesting season can be extended throughout this period.

In view of the extremely short supply of other fruits and somewhat reduced supplies of grapefruit, it is believed that, without some restrictions, the shipments of grapefruit into fresh market channels would be so large that inadequate supplies would remain to fill essential requirements for processing. To assure that these processing requirements will be met, a portion of the crop may be required to be set aside later in the season, officials advised.

Provisions for setting aside the fruit are contained in Food Distribution Order

85. Such regulations may not be placed into effect, however, until the early part of December when the canning season in Texas should be well under way.

Appropriate differentials between prices of grapefruit for fresh use and for processing will be announced prior to the date of any set-aside regulations under which handlers would be required to set aside grapefruit for processing.

Present plans are to permit handlers to meet any set-aside requirements either by delivery of fruit directly from the grove to the processing plant or from the packing house to the processor. This would prevent undue strain on transportation facilities and permit a more economical handling of the crop. Shipments of grapefruit in Texas in past seasons usually have been made directly from the grove to processing plants, the Food Distribution Administration pointed out.

The prospective Texas grapefruit crop for the 1943-44 season is estimated at 16,800,000 boxes. This compares with 17,100,000 boxes produced last season. About 8,000,000 boxes are needed for processing. This represents about 48 percent of the estimated Texas grapefruit crop as compared with approximately 45 percent which was processed last season.



WAR FOOD ADMINISTRATION

[FDO 85-1]

PART 1405—FRUITS AND VEGETABLES
GRAPEFRUIT GROWN IN CAMERON, HIDALGO,
OR WILLACY COUNTIES, TEX.

Pursuant to the authority vested in me by Food Distribution Order No. 85 (*supra*), issued on October 14, 1943, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1405.37 *Designation of marketing period and restriction on the handling of white grapefruit grown in the counties of Cameron, Hidalgo, or Willacy in the State of Texas—(a) Definitions.* When used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "order" means Food Distribution Order No. 85 (*supra*), issued by the War Food Administrator on October 14, 1943.

(2) Each term defined in the order shall, when used herein, have the same meaning as set forth in said order.

(3) The term "box" means a unit of measure equivalent to one and three-fifths (1 $\frac{3}{5}$) United States bushels of grapefruit whether in bulk or in any container.

(b) *Designation of marketing period and restriction on handling.* The total quantity of white grapefruit which may be handled during the marketing period beginning with the effective date of this

order and ending at 11:59 p. m., e. w. t., January 1, 1944, shall be 1,885,466 boxes of white grapefruit, which quantity is twenty percent (20%) of the total quantity of grapefruit handled by all handlers during the period from August 1, 1942, to July 31, 1943, inclusive.

(c) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., October 15, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 85, *supra*)

Issued this 14th day of October 1943.

Roy F. HENDRICKSON,
Director of Food Distribution.

Press Release, Immediate:
Friday, October 15, 1943.

To meet requirements for canned grapefruit juice and other grapefruit products, the War Food Administration today limited early shipments for fresh consumption of white grapefruit produced in the lower Rio Grande Valley region of Texas, and said that a portion of the crop may be required to be set aside for processing. The restricted area embraces the counties of Cameron, Hidalgo and Willacy.

Texas shipments of white grapefruit for fresh use from October 15, to January 1, 1944, will be limited to approximately 2,000,000 boxes. Individual handlers will be permitted to make shipments from the restricted area during this period of a quantity not exceeding 20 percent of their total 1942-43 season's grapefruit shipments. The action was taken in Food Distribution Order 85 and Director Food Distribution Order 85.1 issued today.

The Food Distribution Administration said that these limitations on grapefruit shipments are necessary in order that adequate supplies will remain, after the opening of the processing season, to meet both the military and civilian require-

ments for the processed fruit. The limitations also will serve to extend marketing of the fresh fruit over a longer period.

Since processors do not begin operations during the first six or eight weeks of the season, Food Distribution Administration officials said the limitations placed on early shipments are necessary to prevent undue diversion of the fruit into the fresh market. The restrictions will also result in an increase in the total crop yield, because growth continues during the early part of the season. Grapefruit, like most citrus fruits, will remain on the trees for several months after reaching maturity and the harvesting season can be extended throughout this period.

In view of the extremely short supply of other fruits and somewhat reduced supplies of grapefruit, it is believed that, without some restrictions, the shipments of grapefruit into fresh market channels would be so large that inadequate supplies would remain to fill essential requirements for processing. To assure that these processing requirements will be met, a portion of the crop may be required to be set aside later in the season, officials advised.

Provisions for setting aside the fruit are contained in Food Distribution Order

85. Such regulations may not be placed into effect, however, until the early part of December when the canning season in Texas should be well under way.

Appropriate differentials between prices of grapefruit for fresh use and for processing will be announced prior to the date of any set-aside regulations under which handlers would be required to set aside grapefruit for processing.

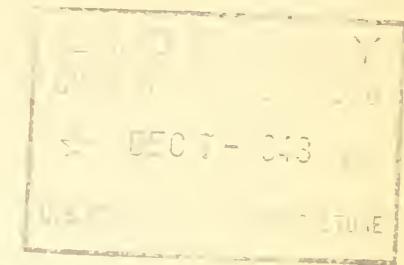
Present plans are to permit handlers to meet any set-aside requirements either by delivery of fruit directly from the grove to the processing plant or from the packing house to the processor. This would prevent undue strain on transportation facilities and permit a more economical handling of the crop. Shipments of grapefruit in Texas in past seasons usually have been made directly from the grove to processing plants, the Food Distribution Administration pointed out.

The prospective Texas Grapefruit crop for the 1943-44 season is estimated at 16,800,000 boxes. This compares with 17,100,000 boxes produced last season. About 8,000,000 boxes are needed for processing. This represents about 48 percent of the estimated Texas grapefruit crop as compared with approximately 45 percent which was processed last season.

7337
Cap. 3

FDO 85-1

TERMINATION
NOV. 11, 1943



WAR FOOD ADMINISTRATION

[FDO 85-1, Termination]

PART 1405—FRUITS AND VEGETABLES

GRAPEFRUIT GROWN IN CAMERON, HIDALGO, OR WILLACY COUNTIES, TEX.

Pursuant to the authority vested in me by Food Distribution Order No. 85 (8 F.R. 14071), issued on October 14, 1943, and to effectuate the purposes of such order, it is hereby ordered, as follows:

That Director Food Distribution Order No. 85.1 (8 F.R. 14972), issued on October

14, 1943, designating a marketing period and restricting the handling of white grapefruit grown in Cameron, Hidalgo, or Willacy Counties, in the State of Texas, be, and the same is hereby terminated at 12:01 a. m., e. w. t., November 12, 1943.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Director Food Distribution Order No. 85.1, prior to the effective time of this order, all provisions of Director Food Distribution Order No. 85-1 in effect

prior to this order shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 11th day of November 1943.

C. W. KITCHEN,
Acting Director of
Food Distribution.

The War Food Administration has removed all restrictions on shipments of white grapefruit from the lower Rio Grande Valley of Texas.

The action terminates Food Distribution Order 85.1 which was placed in effect October 15. FDO 85.1 limited individual handlers to shipments of white grapefruit to not more than 20 per cent

of the total quantity of grapefruit which they shipped from Cameron, Hidalgo and Willacy counties in Texas during the 1942-43 season.

Food Distribution Administration officials stated that the restrictions were removed because the indicated grapefruit production is large enough to meet both

the essential requirements for the fresh and processing markets. FDA officials added, however, that if it becomes necessary in the future to limit the movement of Texas grapefruit into fresh market channels in order to meet essential processing requirements, the restrictions on shipments will be placed into effect again.

